16/1/15

Single Bench

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH, AT BILASPUR

MISC. APPEAL (C) 151 **OF 2006**

APPELLANT Bajaj Allianz General Insurance Company Ltd.
Through Branch Manager
Branch Shiv Mohan Bhavan,
Vidhan Sabha Marg,
Pandri, Raipur Tahsil and District Raipur

Versus

RESPONDENTS

1. Smt. Saroj Thakur,
Aged about 29 Years,
W/oLateShriYogeshThakur,
2. Kumari Damini Thakur,
Aged about 01 Year, D/o
Late Shri Yogesh Thakur,
minor represented through natural
guardian mother Smt. Saroj Thakur
Both R/o Opposite Santosh Bhojnalay,
Juni Line, Bilaspur, Tahsil and District
Bilaspur (C.G.)
(Claimants)

NOTARY ★ CHHATTISGARH ★ GOVT OF CHHATTISGARH

P.R. No. 2559/06
Presented by Shri S.S. Rajput
dated 26/9/06

3. Shri Dhananjay Kaushik S/o Shri
Latelram Kaushik,
aged about 30 years,
R/o Near Country Liquor Shop, Village
Sankari Tahsil Takhatpur, District
Bilaspur (C.G.)
(Owner of Vehicle)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(C)
M.A. No. 151

(33)

मामला क्रमांक ..... सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

07/12/2006

Shri Sachin Singh Rajput, counsel for the appellant.

Heard.

Shri Rajput, learned counsel for the appellant did not dispute the following:

(a) That the offending vehicle was insured by the appellant ;

(b) That the appellant failed to establish breach of the terms of the policy;

(c) That the deceased had monthly earnings of Rs.3000/- per month as he was a commission agent indulged in the business of recovery of monies in wood shed.

Shri Rajput, learned counsel for the appellant pressed this appeal only on the ground that the finding recorded by the learned M.A.C.T. that the deceased Yogesh had an additional income of Rs.1000/- from other sources was based on no evidence.

Having heard the learned counsel for the appellant, I have perused the record.

The testimony of Rajendra Kumar Tamrakar-AW/2, reveals that Yogesh was not working full time with him and he was employed with him during certain period of the year. In this view of the matter, a presumption was rightly drawn that the deceased must have had some earnings from other sources also. The deceased was married and had wife and a minor daughter to support. The finding recorded by the learned M.A.C.T. that the deceased would have earned an additional meager sum of Rs.1000/- in a month from other sources could not be faulted with. In this view of the matter, I am of the considered opinion that the learned M.A.C.T. has rightly assessed the monthly income of the deceased at Rs.4000/-. No

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(39)

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मामला क्रमांक ..... सन् 2006

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	other point was urged in this appeal by the learned counsel for the appellant. In view of the above, this Miscellaneous Appeal being devoid of merit and is accordingly dismissed at the stage of admission. Consequently, M.(C).P. No. 2166/2006, for stay is also disposed of. C.C. as per rules. Kvr	**Sd-/** **Dilip Raosaheb Deshmukh** **Judge**

P.T.O.

9/4/12